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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,526	09/17/2003	Robert J. Apel	DOM1091-203	4289

8698 7590 01/14/2005
STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
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EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,526

Applicant(s)

APEL, ROBERT J.

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Frankfurt (5,941,034). Frankfurt discloses the use of residential housing unit (1) comprising two independent living units, common space wherein the common space connects the two independent living units and two property lots, see figures 1-4. In regards to claim 2, wherein the two independent living units are of different sizes. In regards to claim 3, wherein the common space further comprises a center wall. In regards to claim 4, wherein the common space is a breezeway (40). In regards to claim 7, wherein the two independent living units each contain a frontal access door.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenn (4,685,260). Jenn discloses the use of residential housing unit (20) comprising two independent living units, common space wherein the common space connects the two independent living units and two property lots, see figure 1. In regards to claim 2, wherein the two independent living units are of different sizes. In regards to claims 3&11, wherein the common space further comprises a center wall, see figure 1-3. In

regards to claims 4&10, wherein the common space is a private room. In regards to claim 5, the living units are deeded to two owners. In regards to claim 6, further comprising two garages (24a724d) each garage is attached to each independent living unit, see figure 2. In regards to claim 7, wherein the two independent living units each contain a frontal access door, figure 1. In regards to claim 8, the frontal access faces the same direction. In regards to claim 9, a housing unit comprising two structures for the purpose of providing a habitation by humans, wherein each of the two structures is connected to the other structure by a common space, the structures each containing a frontal access door, and two structures each built upon their own property lot. In regards to claim 12, the housing unit is built with the common space equally divided across a property line that divides the two property lots.

Response to Arguments

Applicant's arguments filed 10/29/04 have been fully considered but they are not persuasive.

In response to applicant's argument that Frankfurt fails to teach the use of "multiple lots upon which the multi-unit is built", the applicant is directed to the claim language a the claim recite the language "two independent living units with a common space and property lots". Therefor, the examiner is of the opinion that Frankfurt shows the use of multiple lots. The applicant is reminded that a deed is define as "a legal contract", when living in an apartment you are issued a least which is inherently a deed.

In response to applicant's argument that Jenn fails to teach the use of "two independent living units with two frontal doors". The examiner is of the opinion that Jenn shows the use of two independent living units with two frontal doors. The applicant is reminded that a deed is define as "a legal contract", when living in an apartment you are issued a least which is inherently a deed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG
January 10, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600